

DECLARATION FOR PATENT APPLICATION

s a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL COMPOSITIONS AND METHODS FOR CANCER, the specification of which

(check
one)

☐

is attached hereto.

☒

was filed on October 23, 2001 as
Application Serial No. 10/004,113
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| | | |
|-------------------|--------------------|---------------------------------|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |

Priority Claimed

| | |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §§119/120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------------|--------------------------|----------------|
| <u>09/798,586</u> | <u>March 2, 2001</u> | <u>Pending</u> |
| <u>09/747,377</u> | <u>December 22, 2000</u> | <u>Pending</u> |
| (Application Serial No.) | (Filing Date) | (Status) |

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.
Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

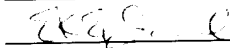
File No. A-70970/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Eric K. Engelhard

Inventor's signature:



Date:

February 13, 2002

Residence:

Davis, California

Citizenship:

United States of America

Post Office Address:

704 Hudson Street

Davis, California 95616

Full name of second
inventor:

DAVID W. MORRIS

Inventor's signature:



Date:

2/13/02

Residence:

Davis, California

Citizenship:

United States of America

Post Office Address:

1802 Valdora Street

Davis, California 95616



ASSIGNMENT

(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned,

(1) Eric K. Engelhard, (2) David W. Morris

(hereinafter termed "Inventors"), residents of

(1) Davis (2) Davis

respectively, Counties of

(1) Sacramento (2) Sacramento

respectively, States of

(1) California (2) California

respectively, have invented certain new and useful improvements in

NOVEL COMPOSITIONS AND METHODS FOR CANCER

and have executed an application for a United States patent disclosing and identifying the invention on even date herewith; and having Serial No. 10/004,113 and filing date of October 23, 2001; and

WHEREAS, Sagres Discovery a corporation of the State of California, having a place of business at 2795 Second Street, Suite 400, Davis, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: February 15, 2002 (1) Eric K. Engelhard
Eric K. Engelhard

County of Yolo)
State of California) ss.
)

On this 13th day of February, in the year 2002, before me, Lisa Marie Cali, Notary Public of the State of California, personally appeared (1) Eric K. Engelhard, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]



(Seal)

Date: 2/13/02

(2) David W. Morris
David W. Morris

County of)
State of) ss.
)

On this 13th day of February, in the year 2002, before me, Lisa Marie Cali, Notary Public of the State of California, personally appeared (2) David W. Morris, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]



(Seal)



POWER OF ATTORNEY BY ASSIGNEE
(not accompanying application)

The undersigned assignee of the entire interest in application for letters patent entitled:
NOVEL COMPOSITIONS AND METHODS FOR CANCER

and having the named inventor(s): Eric K. Engelhard and David W. Morris

and having Application No. 10/004,113 and filing date of October 23, 2001

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 CFR §1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 38,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; and David C. Foster, Reg. No. 44,685; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR §3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to Robin M. Silva at (415) 781-1989.

Address all correspondence to:

Robin M. Silva, Esq.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187

Assignee: Sagres Discovery

By: David Ferrick
(typed name)

Signature: _____

Title: Chief Executive Officer

Address: 2795 Second Street, Suite 400, Davis, California 95616

Date: 2/13/02

File No. A-70970/RMS/DCF